

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 ISO-00 ACDE-00 SSO-00 NSCE-00

INRE-00 PA-01 PRS-01 USIE-00 CIAE-00 INR-07 IO-13

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E.O. 11652: N/A

TAGS: IAEA, PARM, TECH

SUBJECT: SAFEGUARDS IN RELATION TO TECHNICAL ASSISTANCE

REFS: A) VIENNA 5015; B) VIENNA 6700

1. MISSION INFORMED BY SECRETARIAT (GARRETT) THAT COMMENTS HAVE BEEN RECEIVED FROM THREE MEMBER STATES RE DRAFT PAPER REPORTED REFTELS. NIGERA HAS INDICATED ACCEPTANCE OF PAPER AND FRG HAS INDIACTED NO COMMENT "AT THIS TIME." ARGENTINA HAS MADE EXTENSIVE COMMENTS CALLING FOR SPECIFIC CHANGES, AS FOLLOWS: PARA 2, DELETE PHRASE QUOTE INCLUDING BOTH RECIPIENT AND DONOR COUNTRIES END QUOTE; PARA 4, DELETE ITEM C, PRODUCTION OF HEAVY WATER; PARA 5, EXPAND PHRASE QUOTE SUBSTANTIAL CONTRIBUTION END QUOTE TO READ QUOTE SUBSTANTIAL CONTRIBUTION APPLIED TO MILITARY LIMITED OFFICIAL USE

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PURPOSES END QUOTE; PARA6, DELETE WORD QUOTE GENERALLY END QUOTE; AND PARA 7, DELETE SENTENCE BEGINNING QUOTE IN THE CASE OF MEMBER STATES END QUOTE AND ENDING WITH QUOTE WILL BE REQUIRED END QUOTE, SUBSTITUTING QUOTE IN EVERY CASE A DECISION WILL BE TAKEN AS TO THE TYPE OF ARRANGMENTS WHICH ARE NECESSARY FOR THE EFFECTIVE APPLICATION OF SAFEGUARDS

END QUOTE.

2. MISSION IS OF VIEW THAT ARGENTINE COMMENT RE
PARA 2 WOULD BE ACCEPTABLE. WE BELIEVE THEIR COMMENTS
RE PARAS 4 AND 5 ARE NOT ACCEPTABLE. CONCERNING
DELETION OF HEAVY WATER FROM LIST OF SENSITIVE
TECHNOLOGIES IN PARA 4, ARGENTINE LETTER TO SECRETARIAT
NOTED THAT HEAVY WATER HAS IMPORTANT NON-MILITARY
APPLICATIONS AND IS IN FACT REQUIRED FOR CERTAIN TYPES
OF POWER REACTORS; THIS SAME NON SEQUITOR COULD BE
USED TO CHALLENGE ANY ITEM ON LIST OF SENSITIVE
TECHNOLOGIES. CONCERNING PARA 5, EXPANSION OF CRITERION
TO QUOTE SUBSTANTIAL CONTRIBUTIONS APPLIED TO MILITARY
PURPOSES END QUOTE WHOLLY DEFEATS PURPOSE OF DRAFT
POLICY PAPER BECAUSE TECHNICAL ASSISTANCE IS NEVER
KNOWINGLY DESIGNED TO CONTRIBUTE DIRECTLY AND IN THE
FIRST INSTANCE TO MILITARY PURPOSES; TECHNICAL ASSISTANCE
IS MEANT TO CONTRIBUTE TO PEACEFUL PURPOSES, AND
APPLICATION OF SAFEGUARDS IN RELATION TO TECHNICAL
ASSISTANCE IS DESIGNED TO PREVENT DIVERSION FROM PEACE-
FUL TO MILITARY PURPOSES. ARGENTINE COMMENTS RE
PARAS 4 AND 5 INDICATE EITHER A MISUNDERSTANDING BY
ARGENTINA OF THE PURPOSE OF THE DRAFT POLICY PAPER, OR
MORE LIKELY AN ATTEMPT TO DEFEAT ITS PURPOSE.

3. RE ARGENTINE COMMENT PARA 6, DELETION OF WORD
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QUOTE GENERALLY END QUOTE WOULD EXCLUDE ALTOGETHER FROM
SAFEGUARDS ANY TRANSFER OF INFORMATION FREELY AVAILABLE
TO THE PUBLIC. ARGENTINES DID NOT COMMENT ON WORD
QUOTE ORDINARILY END QUOTE IN NEXT SENTENCE. MISSION
HAD INSERTED QUOTE GENERALLY UNQUOTE IN EARLIER DRAFT
ON BASIS THAT SELECTION, EVALUATION AND ORGANIZATION OF
INFORMATION, EVEN THOUGH PUBLICLY AVAILABLE, MIGHT
IN SOME CIRCUMSTANCES BE CONSIDERED TO MAKE A QUOTE SUB-
STANTIAL CONTRIBUTION END QUOTE TO A SENSITIVE
TECHNOLOGY. WE THEREFORE DID NOT WANT TO EXCLUDE SUCH
POSSIBILITY, WHILE RECOGNIZING THAT CASES WOULD BE
RARE AND DIFFICULT TO JUSTIFY. WHILE WE PREFER WORD BE
RETAINED, WE DO NOT REPORT NOT BELIEVE IT IS WORTH DEBATE
AT BOARD OF GOVERNORS MEETING WHICH COULD JEOPARDIZE
CONSENSUS ON BALANCE OF PAPER.

4. RE ARGENTINE COMMENT PARA 7, ARGENTINE LETTER
NOTED PURPOSE WAS TO ENSURE UNIFORM TREATMENT OF
NPT STATES AND NON-NPT STATES. MISSION VIEW
IS THAT ARGENTINE-PROPOSED CHANGE TO PARA 7 SHOULD
BE OPPOSED ON BASIS THAT ARGENTINE-PROPOSED TEXT, WHICH
WOULD REQUIRE BOARD DECISION ON CASE BY CASE BASIS,

WOULD RESULT IN DEBATE AND QUITE POSSIBLY NON-UNIFORM

APPLICATION.

5. MISOFF HAS BEEN ASKED BY SECRETARIAT (GARRETT) TO MEET AUGUST 4 TO CONSIDER ABOVE-REPORTED COMMENTS, AND COMMENTS FROM OTHER MEMBER STATES EXPECTED BY THAT DATE. PURPOSE OF MEETING WILL BE TO DECIDE WHICH COMMENTS CAN BE INCORPORATED IN FURTHER REVISION OF PAPER, WHICH WOULD THEN BE DISTRIBUTED AS FORMAL BOARD DOCUMENT FOR DISCUSSION AND HOPEFULLY ADOPTION AT SEPTEMBER MEETING.

6. DEPARTMENT'S VIEWS ON PROPOSED ARGENTINE CHANGES
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AS WELL AS ON MISSION'S OBSERVATIONS REGARDING THEM (PARAS 2-4 ABOVE), PLUS COMMENTS ON DRAFT PAPER (REFTEL'S), REQUESTED NLT EVENING AUGUST 1 WASHINGTON TIME. STONE

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